

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
OCTOBER 7, 2019**

1. Call to order & roll call: Meeting called to order at 6:00 pm by Chairm an Krause. Commission members present: Kris Krause, Jack Pfister, James Layne, Chad Wolter, Jane Zavoral. Absent (excused): Robert Robbins, Brian Henry. Also present: Town Attorney Lawrence Bechler, Town Engineer Katie MacDonald, Surveyor Jim Grothman, Cliff Ohler, Linda Babler. Audience: Roberta Arnold.

2. Clifford & Mary Ohler - Certified Survey Map combining the current .45-acre Parcel 11022-1322 described as "Lot 1 and West 1/2 of Lot 2, Block 40, 16th Addition to Harmony Grove" to just 1 lot so that they can build a garage shed. Located in Section 3* @ N2664 Tonja Drive:

Krause – the biggest question that came up at the last meeting was a 2nd access/driveway needed to this new garage. Cliff – this isn't a "garage", it's a larger metal shed 20' x 25' to replace my current (now torn down) wood 12' x 12' shed. No vehicle access to it. MacDonald – I sent a few items that the surveyor needs to do on the survey to make it meets the town's required standards. See Attachment A. Goeske – I sent those to the surveyor previously (on 09/07/19); I will resend them and let the surveyor needs to get those done before the 10/29/19 Town Board meeting. Bechler – I had concerns that only ½ of Lot 2 was owned by the Ohler's, but then found that the other ½ belongs to the adjacent neighbor, so there is no issue with undersized lot.

Pfister/Wolter motion to approve CSM with Engineer's remarks being incorporated onto the CSM prior to 10/29/19 Town Board action on this; MC 5-0.

3. Darlene Hartmann Estate (Personal Representatives Linda Babler & Shirley Raisbeck) - Rezone: 80.00-acre Parcel 11022-662. Located in Section 33* @ N524 CTH Y. Rezone from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay. Owner is proposing to split off 4-acres around the existing residence and structures to remaining zoned A-1 Agriculture. In order to maintain a density of one home per 35 acres, 31 acres of parcel 662 will be restricted from further residential development by rezoning to A-1 Agriculture with A-4 Agricultural Overlay. This proposal will require a Certified Survey Map:

Grothman – some of the comments made by Town Engineer Katie MacDonald (see Attachment B - 10/04/19 email from MacDonald) cannot be incorporated, such as what the property is zoned. Dedicating of a right-of-way vs an easement – the right-of-way is a county highway so is a county matter. Babler has decided to provide an easement for the driveway to the County, so it is answered. I will talk to County Highway. The total contiguous area owned by the Hartmann family is too large to be shown on the map and has not been required in the past. Krause – what about a 2-page CSM with the A-4 overlay on page 2. Grothman – the county will not allow me to file a CSM like that, as the A-4 is not a parcel, it's an overlay, and that overlay area can be moved onto other Hartmann-owned property. I can include the legal description in an exhibit, but I cannot make it part of the actual CSM. Bechler – I know the overlay areas legal description is included in documentation somewhere. Krause – I will look this over to make sure we're requiring what we've required on CSM's in the past and get back to you. Grothman – this is what is commonly known as a farm consolidation, where they're breaking off the portion of the farm with the house and buildings. We're leaving that zoned A-1 Agriculture. To do that there has to be an A-4 Overlay that goes with it. The lines of this "Lot 1" meander on once side because it follows the lands that are farmed vs lands that are not farmed, so that the house and buildings are on the unfarmed Lot 1. Krause – in order to qualify the breaking off the 3.99 acres for this Lot 1 the county allows 1 per 35-acres. Those 31 acres needed for A-4 Ag Overlay doesn't need to be adjacent or even owned by the same owner but must be in the Town of Lodi. But most often it is owned by the same owner and adjacent. Bechler – is there are creek that runs through this, and if so, what name? Isi this good Ag land? Linda – don't know of a name. Grothman – is lowland. Bechler

– usually the purpose of A-4 Overlay is to protect good farmland. But this A-4 Overlay is protecting swamp, not protecting good farmland. Grothman – the Hartmann’s have the right to divide off 3 more small parcels with their 140-acres. But to limit the A-4 Overlay to good farmland would defeat the owner's rights. Krause – our Comprehensive Plan does not limit Ag land to only tillable land, it includes woods, marsh, swamp, etc... as well. The only thing we’ve asked for in the past is to see where the home(s) are going to be so as to preserve the view of the farmland. Babler – we want to keep all of our farmland that is farmed to stay just that. We have no future plans to break off more small lots for houses on our land. Krause – I have no issues with this CSM. Our goal has always to preserve the look of our rural lands, be they tillable land, pastures, woods, etc...

Pfister/Layne motion to approve rezone with Restrictive Covenants (with an Exhibit for the A-4 Overlay); MC 5-0.

4. Darlene Hartmann (Personal Representatives: Linda Babler & Shirley Raisbeck) - Certified Survey Map: see description of #6 above:

See above minutes and Attachment B.

Grothman will add the location of the water well on the CSM before it goes to the Town Board. He has also informed us that our requirement to show zoning is not allowed by the County. Same as above regarding contiguous acreage owned by same owner(s), this one with 140 acres being too large. There are 2 "access/driveways" showing in the Lot 1 area. One is a driveway to the home, the other is a field/Ag access.

Pfister/Wolter motion to approve CSM with water well shown and resolving the 2-access/driveway issue on the Lot 1; MC 5-0.

5. Minutes of September 10, 2019: Pfister/Zavoral motion to approve minutes as presented; MC 5-0.

6. Next meeting date is November 12, 2019: Krause – we may see: Spring Ridge (Don Anderson) Plat; Ripp-Schnadt CSM; and revised CSM from Clay Investments (Neil McIntyre).

7. Adjourn: Pfister/Wolter motion to adjourn at 7:10 pm; MC 5-0.

April D. Goeske
Clerk-Treasurer

**All parcels are in Town 10N, Range 8E*

ATTACHMENT B

Via: Email
Date/Time: Fri. 10/04/2019 @ 10:20 AM
From: Katie MacDonald
To: Kris Krause, April Goeske, Lawrence Bechler, Dan Schrum
Re: Hartmann CSM and Rezone

Kris – we did a brief review of the Hartmann property, as requested. My comments are things we've seen crop up recently on other CSM reviews.

Does the Town want the CTH Y ROW dedicated to the public or can it remain as an easement?

- Does this CSM need to take into account the remaining 74 acres of this 80-acre lot? If the entire 80 acres is reviewed, should all ROW be dedicated? That would also entail splitting the parcel into additional lots, as the single lot would now straddle a road.
- This lot has 2 existing driveways – will Hartmann's need to apply for a variance (or do they already have one)?
- Housekeeping items – there are several bits of information required by ordinance 10.05(c)(2) that are not shown, including:
 - Location of water wells (none shown on CSM)
 - Existing zoning on and adjacent to land division
 - Entire area contiguous to plat owned or controlled by land divider or subdivider must be shown on CSM.

Larry – I'm hoping you can comment on the above as well.

Copy of town ordinance 10.05(c): Certified Survey Map:

(1) General. A Certified Survey Map prepared by a land surveyor registered in this state shall be required for: (a) All proposed minor subdivisions; and (b) All proposed land divisions for rural lots. All required Certified Survey Maps shall comply in all respects with Wis. Stats. § 236.34 of the Wisconsin Statutes and state survey standards.

(2) Additional Information. The Certified Survey Map shall also show the following information correctly on its face, in addition to the information required by Wis. Stats. § 236.34:

- (A) All existing buildings, watercourses, drainage ditches and other features pertinent to property division, including the location of water wells, dry wells, drain fields, and pipes, culverts and existing roads.
- (B) The building envelope and its distance to 2 property lines, if a building location was approved by the Town Board.
- (C) All lands reserved for future acquisition.
- (D) Area of rural lot acres or square footage for each lot or parcel.
- (E) Date of the Map.
- (F) Graphic scale of 1" = 100'.
- (G) Name and address of the owner, subdivider and surveyor.
- (H) Entire area contiguous to plat owned or controlled by land divider or subdivider.
- (I) Existing zoning on and adjacent to the proposed land division.

(3) Information Required on the Signature Page. A Certified Survey Map shall include in its certifications, in addition to the information required by Wis. Stats. § 236.34, the following:

- (A) A legal description of the parcel or rural lot; surveyor's signature; and a statement from the surveyor that the surveyor has fully complied with all the provisions of this Ordinance;
- (B) The owner's name, address and signature; and
- (C) Signature lines and dates for approval by the Town Chairperson and Town Clerk-Treasurer.

(4) Certificates.

- (A) The surveyor shall certify on the face of the Map full compliance with all the provisions of this Ordinance. The Town Clerk-Treasurer, after a recommendation by the reviewing agencies, and approval of the Town Board, shall certify such approval on the face of the Map.
- (B) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagees' certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).